

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TOMAS ZEPEDA JR.,  
  
Defendant.

Case No. 23-cr-70037 MAG

**DETENTION ORDER**

Hearing: 1/26/2023

In accordance with the Bail Reform Act, 18 U.S.C. § 3142, the Court on January 26, 2023, held a hearing to determine detention or release on supervisory conditions for defendant Tomas Zepeda Jr. Zepeda is charged in this case with violating the terms of his supervised release in the District of Kansas case No. 14-cr-10028-001. The defendant appeared at the hearing with his counsel AFDV Varell Fuller, with all parties appearing in person in the courtroom.


Under Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. §3143(a), the defendant charged with violation of supervised release has the burden of establishing by “clear and convincing evidence” that he or she will not flee or pose a danger to any other person or to the

1 community. Here, Zepeda did not establish evidence to overcome the burden that he is a  
2 flight risk. The Court considered a proposal from Zepeda of a halfway house, with two  
3 family members who reside in Hanford as custodians and sureties. The Prosecution and  
4 Probation each recommended detention. Ultimately, despite familial support, Zepeda's  
5 recent and poor performance while on community supervision (two walkaways and one  
6 violation while in residential drug treatment programs in 2022), absconder status in late  
7 2022 after being in contact with Probation and failing to voluntarily return, and a prior  
8 failure to appear in Court as reported by Probation, lead the Court to conclude that no  
9 combination of conditions may presently be imposed that would mitigate the risks of non-  
10 appearance. Consequently, the Court orders the defendant Zepeda to be detained and  
11 transported to the District of Kansas in USMS custody. Zepeda waived an identity hearing.

12 The defendant is committed to the custody of the Attorney General or his designated  
13 representative for confinement in a corrections facility separate, to the extent practicable,  
14 from persons awaiting or serving sentences or being held in custody pending appeal. The  
15 defendant must be afforded a reasonable opportunity for private consultation with defense  
16 counsel. On order of a court of the United States or on the request of an attorney for the  
17 Government, the person in charge of the corrections facility must deliver the defendant to a  
18 United States Marshal for the purpose of an appearance in connection with a court  
19 proceeding.

20 IT IS SO ORDERED.

21 Date: January 26, 2023

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Nathanael M. Cousins  
United States Magistrate Judge

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